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To

Major C.T.C. Plowden, I.A.,

First Assistant to the Hon'ble

the Resident in Mysore, Bangalore.

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Dear Major Plowden,

I am desirous to acknowledge the receipt of your confidential and demi-official letter No. G 820/337 dated the 9th December inviting reference to the publication in the 'Hilal' of a speech delivered by Mr. Yaqub Hussain of Madras at a meeting held in the premises of the National High School, Pickinsoh Road, Civil and Military Station, Bangalore.

2. His Highness's Government note that Mr. Barton considers that the failure to institute proceedings under the Mysore Newspaper Regulation or the Penal Code against the paper for the publication of the proceedings of a highly seditious meeting within the limits of the Civil and Military Station is likely to render the Durbar's attitude towards such movements liable to misconstruction and that people might in fact be almost excused if they thought that it was not entirely neutral.

3. The Durbar have carefully considered their policy in regard to the Non-co-operation movement and are glad of the opportunity afforded by your letter to explain their position in this matter. They feel that in dealing with reports in the press of speeches made by the non-co-operationists in British India, or in places under British jurisdiction such as the Civil and Military Station, Bangalore, they have no alternative, but to fall in line with the policy of the Government of India. This policy was lately enunciated in the communique issued by the Government of India, dated the 6th November and communicated to the Durbar with your letter No. 9836 dated the 10th November 1930.

and also published in the Mysore Gazette dated the 26th November 1920. As you are aware, the Government of India have, according to the communique issued instructions to local Governments " to take action against those persons only who in furtherance of the movement, have gone beyond the limits originally set by its organisers ~~the~~ and have by speech or writing openly incited the public to violence or have attempted to tamper with the loyalty of the army or of the Police". Among the considerations which have influenced the Government of India to so largely restrict action against the promoters of the movement is, according to the communique, "their reluctance to interfere with the liberty of speech and the freedom of the press", and it is stated, further, that although some of the newspapers which have given publicity to the activities of the movement were only lately relieved from the restrictions of the Press Act, the Government of India are loth to reimpose restrictions on them at the present time. In the face of this open and widely published declaration of the Government of India announcing their present policy in regard to the proceedings of the non-co-operationists and the publication of their activities in the press in British India, the Durbar feel it impossible for them to take any repressive action against newspaper reports published in the State of speeches made in British India or in place under British Indian jurisdiction.

4. The Durbar are fully aware of the mischievous character of such reports in unsettling the minds of the uneducated section of the Mohammedan population of the State and would be glad to avail themselves of any remedy likely to prevent the circulation of news in the State of the proceedings of the non-co-operationists in British India. They find, however, that, short of an absolute interdiction of all newspaper circulation in the State, which is obviously out of the question, it is impossible to prevent the spread of news of the activities and of the

speeches of the leaders of this movement in British India. For, as the Hon'ble the Resident is doubtless aware, every newspaper of British India, no matter what its own attitude regarding the movement may be, is in the habit of giving full publicity to the doings of all the agitators who are working under the banner of Non-co-operation. I am also to add that 'Hilal' being published in Urdu has after all a very limited circulation in the State, and hardly reaches its Mohammedan population, who are, for the most part, illiterate.

5. With those general remarks, I am now to proceed to point out the difficulties that lie in the way of putting the provisions of the ~~Ysore~~ Newspaper Regulation III of 1908 into motion in the present case. The speech in question was delivered within the jurisdiction of the Civil and Military Station at a meeting which was evidently not interdicted beforehand, nor has any action been taken in respect of it subsequently under the Indian Penal Code or other law by the authorities of the Station. The statements contained therein are a repetition of what the leaders of the non-co-operation movement have from time to time declared in their public utterances in British India. In these circumstances and especially when the primary act itself (the utterance of the speech) has not been brought under any restrictive or penal provisions of the law in the Civil and Military Station, it would create a most invidious and awkward position for the Durbar if they proceed to take strong measures in respect of a secondary act of newspaper reproduction. The delicacy and difficulty of the Durbar's position is enhanced by the circumstance that the Ysore Newspaper Regulation provides only one course and that "the strongest possible" one, and no intermediate or lenient measures.

Recourse to the Regulation should, the Hon'ble the Resident will doubtless agree, only be taken in really extreme cases, and not in cases having an obvious or plausible line of

defence in the preliminary enquiry necessary under G.O. No. Camp J. 26-76/ Leg. 31-17-1 dated the 22nd April 1918.

6. The Turbar realise that there are other ways of reaching the delinquents and would have been quite willing, for example, to sanction a prosecution under Section 124 of the Indian Penal Code (Section 12 of the Penal Code Amendment Regulation I of 1904) at other times and under different circumstances but they feel that no such prosecution would have any chance of success at present, in view of the circumstances referred to in paragraph 5 above. I am to add that in the event of any action being taken against the speech or its reproduction within the jurisdiction of the Hon'ble the Resident, the Turbar will willingly take concurrent action within the City jurisdiction.

7. Having explained at length the position of the Turbar in this particular case, I am now to invite the kind reference of the Hon'ble the Resident to a portion of your letter referred to in paragraph 2 above, to which the Turbar feel bound to take the most serious exception. The Turbar regret that in seeking their co-operation in an extremely delicate matter of vast public importance, Mr. Barton should have deemed it necessary to say that "the public might be almost excused for thinking that the Turbar were not entirely neutral", in other words that they were in favour this non-co-operation movement. The Turbar feel very strongly that no reasonable person who see what is happening unchecked in British India and realises the declared policy of the Supreme Government towards the non-co-operation movement could possibly misunderstand the Turbar's attitude. The enclosure to your letter will itself show that the leader of the movement is Mr. Rajee Gosman Gait, a resident of the Civil and Military Station who carries on business there, and that the meeting referred to was presided over by the Mir Ghazi of the Civil and Military Station, a dignitary appointed as such, by the Administration of the Civil and Military Station, & itself.

Further, the activities under reference took place in the Civil and Military Station, and any residents of the city who take part in them could be quite easily dealt with by the authorities there as these persons are by no means exempt from judicial action taken by the Civil and Military Station authorities. Lastly, as the Hon'ble the Resident is doubtless aware, the first notable event of this series, namely the public meeting addressed by Messrs. Gandhi and Shukrat Ali was itself held in the Civil and Military Station and not in the jurisdiction of His Highness's Government. The latter had in fact resolved to allow no such meeting within their jurisdiction. In the face of these facts, it seems hardly just to question the Durbar's attitude, merely because a newspaper printed in the State contains reports of events allowed to happen unchallenged within the very jurisdiction of the Supreme Government.

2. The Durbar would once again point out that in such a case as the one under discussion, the proper course would seem to be to proceed against the principal offenders, in that it were done and if the Durbar then showed any hesitation to co-operate or interdict publication or dissemination of seditious within the State, then and then alone could their attitude be considered as open to question. It is most disconcerting to find that the onus of indirectly setting the law in motion against offences committed outside their jurisdiction is now thrown on them.

3. In conclusion, I am to express the assurance of the Durbar that they will gladly co-operate with the Government of India in any action which it may be decided to take to put a stop to seditious propaganda. They hope that the Hon'ble the Resident will now understand the difficult position in which they are placed, and will realise that their hands are tied in dealing with newspaper reports like the one to which you refer. They are carefully watching each issue of the 'Hilal' and a warning has already been given to the Editor as intimated in my Confidential

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and P.O. letter no. 345/C.L. dated 3rd September 1970.

Yours sincerely,

Chief Secretary to Government.